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Moscow's Real Price for A Reunited Germany

Written at Press Time, Early Thursday, July 21.

Whatever the final outcome at Geneva, the Germans have already lost the meeting at the summit. The fate of Europe is being decided without them; the victors of the last war have met in that concord which it has been a major objective of German foreign policy since 1945 to prevent. The East-West tension which has made possible Germany's phenomenal recovery as an American protege has been lessened.

Adenauer's constant theme has been that the Western powers must not relax their pressure on Russia unless she first agrees to permit the Reich to be reunited and rearmed as a member of NATO. This point of view seemed to have won a preliminary victory when the Russians accepted an agenda that put reunification first. The Russians would have reversed the order. Their approach to Geneva was to get a relaxation of tension first. In effect, despite the agenda, they won their point. Germany has already been bypassed, and if there should be an agreement on the Reich it will only be as the result of concessions on trade, arms and security which loosen the cold war noose around the Soviet bloc.

Adenauer is concerned with the recovery of the Oder-Neisse lands and what was East Prussia. He sees that only a rearmed Germany, leading a NATO coalition, in belligerent posture, could force the Russians to partition Poland again and give up East Prussia. If the world settles down to peace and co-existence before the Eastern lands are recovered, they may never be recovered. This is why Adenauer feared the meeting at the summit, whispered that if we made peace in Europe it would only free Soviet resources for use against us in the Far East. The recovery of the lost territories requires tension, bluff, threat and the risk of world war by the West on Germany's behalf. Geneva has already shown that this is a risk Britain and France do not intend to take.

The First Battle Lost

The battle for the maintenance of tension was lost when the Big Four, having failed to agree on the reunification of Germany, passed on to the other subjects of the agenda. But if Adenauer—and his faithful *Achates*, John Foster—had their way, that would have ended the discussion. To discuss the lifting of the trade embargo and the lightening of the arms race burden on the Soviet bloc when there has been no agreement on Germany is from Bonn's point of view to give up its bargaining power.

Worse than that was to discuss security in the terms that Eden and Faure discussed it. The State Department's obvious anger over the Eden and Faure speeches is understandable. For what both were trying to do was to maintain in appearance their united front with Washington for a rearmed Germany in NATO while hedging NATO about with so many promises of mutual border guarantees and demilitarized zones as to make it more a means of restricting Germany than threatening Russia.

The Russians are cool to the elaborate compromises offered by Eden (echoing proposals first made by the Belgian Van Zeeland in 1953) because they want a bigger price for East Germany than an Eastern Locarno. The pre-war Western Locarno did not keep Hitler from marching into the demilitarized zone of the Rhineland and tearing up an earlier system of arms limitation imposed on Germany; the inspectorial machinery set up at Versailles for enforcement of armament limitation was flouted and gulled by "good" Germans long before Hitler. The earlier Locarno lasted only until the Germans felt strong enough to ignore it. This is ancient history neither in Paris nor in Moscow.

An Unwanted Broker

There is another reason for a Russian coolness which seems to have angered Eden. If they are going to buy a system of mutual guarantees and demilitarized zones they don't want to buy it through a middle man. They want to buy it direct from Eisenhower because only Eisenhower can pay an adequate price for it. And unless I am very much mistaken what the Russians would prefer is not a direct deal with the Germans—they have dealt with the Germans before, and recall some bitter experience—but a direct deal with Washington for trade and credits on a large scale.

We are back to where we were ten years ago when the Russians would have been glad to settle for a lend-lease program extended into the postwar period. There would have been no need for them to seal off the East and to cart off second-hand German equipment in gloomy isolation if they could have obtained U. S. trade credits for recovery and reconstruction. The Russians today need East-West trade on a scale only credit can make possible. If Washington opened the door to that, if some new type of Marshall Plan linked with disarmament and open to East as well as West were made available, Eisenhower could have Germany on a platter.

The Russians dare not avow this until the atmosphere improves, but to improve the atmosphere they must not let Eisenhower return empty-handed. The biggest development at Geneva is the way he has slowly extricated himself from protocol and positional papers. He is no longer Dulles's prisoner. The "alarm" system he advocates against a nuclear Pearl Harbor is close to the May 10 proposals of the Russians; his return to Europe has refreshed his own vivid knowledge of why the Germans are still feared. There is reason to suspect that his own thinking is closer to Eden's than to Dulles's. Agreement is possible. The beginnings of it are essential and must be laid firmly enough to resist the termites who will begin to eat away at it as soon as the meeting at the summit is over. *And to resist the shocks coming from the Far East, where a renewed crisis is in the making.*

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Even the Newspaper Guild Compromises The Fundamental Principles of A Free Press

The Moral Collapse of the *New York Times* and the *Washington Post*

Suppose Congress were to pass a law forbidding Communists to work on newspapers. Suppose it were to provide for an enforcing agency to make sure that no secret Communists evaded the law. Suppose no man could work on a newspaper without first appearing before this agency for a hearing and obtaining from it a certificate of clearance, attesting his freedom from ideological taint. Is there anyone who doubts that such a law would be unconstitutional? Yet is not the Senate Internal Security Committee under Senator Eastland beginning to act as if there were such a law, and as if Congress had authorized it to screen newspapermen?

Is it necessary at this late date to spell out the meaning of such a screening process for freedom of the press in this country? There are no radicals and few liberals still writing on American newspapers. To the paranoid mentalities that run the Congressional witch hunting committees, hidden Leftists can however be discerned. To them any deviation from fanatic anti-Communism, any tendency to defend civil liberties, any disposition to question the stereotypes of the cold war are suspect.

The Real Target

The witch hunters are not afraid of the *Daily Worker*. The peripheral anti cold war press is too small to be a menace to them. What they are afraid of, what bulks large in their haunted minds, are those newspapers and newspapermen who still reach a large audience, who outwardly at least conform to current cold war stereotypes but who every now and then put in a plea for peace or a protest against the excesses of "McCarthyism." These are the voices they would like to "expose" and silence. These respectables are what David Lawrence means when he speaks of "Left-wing commentators."

Yet as the Eastland committee continues to put more newspapermen into the pillory, it evokes only a numbed silence on the part of editors. Those few who have spoken out have done so in timid and confused quavers. We reprint two samples on this page today, one from the *Washington Post* and the other from the *New York Post*. The latter thinks the *New York Times* and the *New York Daily News* "erred" but does not challenge the committee's right to engage in ideological inquisition.

Yet no other newspaper has gone as far as the meek little protest from the *New York Post*. The *Washington Post* came to the defense of the *New York Times* in an editorial (see excerpts below) which merely serves to demonstrate the moral collapse of both. The *Washington Post* praised Harvard when the university on demand of a Senate committee refused to discharge Dr. Wendell C. Furry. Dr. Furry had admitted that he had been a Communist but declined to name others. Melvin L. Barnet took virtually the same position; he said he had not been a Communist since early 1942, but invoked the Fifth to avoid asking questions about himself and his associates in the earlier period.

> **"In the absence of any fuller explanations, it would appear that Barnet and Gordon each was fired for invoking a Constitutional safeguard which cloaks all Americans. The Post has no violent enthusiasm for people who take the Fifth . . . but we're not happy about what the Times and the News have done. Unless the two papers had more compelling reasons for the firings than appear on the surface, we think they have erred."**
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> *—New York Post editorial, July 17.*

The *Washington Post* says the Barnet case is different because, among other things, "The *Times* made its decision to discharge Barnet without demand or pressure from Congress." The truth is that Arthur Hays Sulzberger jumped through the hoops so quickly that the committee did not have time to demand Barnet's discharge. Barnet was on the stand at a morning session; when he stepped down he was told there was a message for him at the *Times* bureau here in Washington; the message was a letter of discharge from Sulzberger. A copy was rushed by messenger to Senator Eastland before the committee met again for the afternoon and the Senator read the *Times* letter into the record as a triumph for the committee—another scalp on its belt.

The Guild to Fight

We salute the Newspaper Guild for its decision to fight the Barnet and Gordon cases as improper discharges under its contracts with the *Times* and *Daily News*. Both contracts provide for arbitration, and much will depend on finding an arbitrator with the courage to rule against powerful newspapers in the current climate. The Guild's decision is in line with the membership's rejection at its recent convention of a proposal to bar Communists from membership.

Unfortunately the Guild has compromised its own position by also deciding in advance that it will not contest the discharge of any newspaperman shown to be a Communist or to have been one within six months of his appearance before a competent tribunal. Once accept the principle that Communist newspapermen have no right to work, and the doors are opened to the witch hunt. The ex-Communists now anti-Communist who bulk so large today in the Newspaper Guild cannot limit themselves to the defense of ex-Communists only. Congress has no right to regulate the politics of newspapermen, and publishers have no right to discharge men for their private political views. Only on this basis can freedom of newspapers and newspapermen be effectively defended.

Washington Post Advises Newsmen to Submit and "Inform"

". . . We think the Newspaper Guild makes a serious mistake in contesting the issue [of Melvin L. Barnet's discharge by the New York Times].

"At the same time, humane people cannot be callous or indifferent to the dilemma of many who appear before these committees. No wonder they shrink from disclosing mistakes made many years ago. . . .

"For the repentant ex-Communist, we think the proper path is plain, although hard. He should be prepared to confess. . . . He should protect his country by giving what information on party activity he has to the FBI including names of former associates. If disclosure at a committee hearing will impose upon old friends hardships utterly unendurable, he should appeal to the Senate committee's sense of justice and fair play. . . .

"At the same time, we must say that we do not understand what all this has to do with the internal security of the United States. Are we endangered by the long-ago, halfhearted, transient Communist affiliations of a handful out of the thousands employed on New York newspapers? . . . In fact, if the Committee is now systematically . . . to make the press the particular object of investigation we think American principles will be endangered by the Committee.

"Such an endeavor will have all the appearance of a studied effort to browbeat and intimidate. . . . It will not work with the Times. It will not work with many other great newspapers. Nevertheless . . . it might . . . serve to diminish the fearless reporting and courageous expression . . . of which we already have too little. . . ."

—Washington Post editorial, July 17.

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The Attorney General Is Hoist By His Own (Passport Case) Petard

The First Hearings in The History of The Subversive List

Ever since 1947 the Independent Socialist League, a dissident sub-splinter of the dissident Trotzkyist movement, has been trying to get a hearing from the Attorney General in an effort to get off his subversive list. Today (July 25) it gets its wish. For the first time in the history of the postwar witch hunt the Attorney General will begin presenting evidence at a public hearing in Washington to support a listing.

The precedent-making hearing does not reflect a change of heart on the Attorney General's part. The Supreme Court ruled to no avail more than four years ago that the Attorney General could not list an organization as subversive without some kind of hearing. The proceeding which begins today is the byproduct of a passport case. But what originated as a tactical maneuver on the Attorney General's part may end by undermining his subversive list altogether.

Max Schachtman, the head of the Independent Socialist League, had been denied a passport on the ground that the I.S.L. was "listed." One of the points made by his counsel in oral argument before the Court of Appeals here recently was that the I.S.L. was never given a hearing. Fearing that decision might turn on this point, the Justice Department thereupon offered the I.S.L. a hearing.

The Court ruled that the blacklisting of the League by the Attorney General was not proper ground in any case for denying Schachtman a passport. But in the meantime the government was stuck with its own maneuver, and had to go on with the hearing. Edward Morrissey, a Civil Service Commission examiner also employed by the Subversive Activities Control Board (he has been hearing the case against the American Committee for the Protection of the Foreign Born), was retained as special hearings officer.

Self-Informing Required

Until now organizations which asked for a hearing have been served instead with voluminous "interrogatories" requiring them to disclose their workings in minute detail, down to the names of all members and contributors.

Such questions are answered under pain of the perjury-like penalties imposed by the False Claims Act, and really require listed organizations to save the FBI time and expense by acting as their own self-informers. The interrogatories are accompanied by a warning that the Attorney General reserves the right to deny a hearing if all questions are not answered.

This hurdle has proved too forbidding. No organization, including the I.S.L., has yet answered all these questions as the price of admission to a hearing. The I.S.L. is getting one anyway. This may create a precedent.

The first preliminary session before Morrissey last Monday foreshadowed some other precedents. I.S.L. was listed both as "Communist," and as "subversive." The "subversive" charge was dropped, perhaps because the government feared it would be unable in a legal showdown to define this vague term precisely enough.

The first day's sparring indicated the difficulties which face the Attorney General once he embarks on a hearing which the courts will scrutinize. Counsel for the I.S.L. wanted to know just what the government meant by "Communist" since the League, though Marxist, is anti-Communist and anti-Soviet. The government declined to answer, perhaps because it found the tangled dialectic of Left wing splinter politics too bewildering.

But how is the I.S.L. to answer the charge of being "Communist" if the government does not explain just what it means? The League calls itself Marxist—but *Das Kapital* like the Gospel has proliferated many bitterly warring sects. The I.S.L. believes in socialism and would achieve it peacefully where democratic means are available. If this be "Communism" then Norman Thomas is a "Communist," too. In this context "Communist" becomes almost as vague as "subversive."

We predict that before this case is finished the Justice Department will be thoroughly sick of its self-arrogated task of acting as a heresy-hunter. Even an authoritarian institution like the Roman Catholic Church, with a system of dogma and exact standards of orthodoxy, has not found it at easy in practice to determine what is really heresy. How do it in a society whose constitutional and philosophical foundations reject dogma and sanctify dissent?

And It Would Have Shown An Even More "Decent Respect" To Have Disqualified Himself

"The [National Lawyers] Guild says the District Court erred in its ruling upon the allegation of prejudgment. It was shown by affidavit that, on August 27, 1953 . . . the Attorney General delivered an address before the American Bar Association in Boston in which he [said] . . . 'It is because the evidence shows that the National Lawyers Guild is at present a Communist dominated and controlled organization fully committed to the Communist party line that I have today served notice to it to show cause why it should not be designated on the Attorney General's list of subversive organizations.' . . .

"While one might question the propriety of the vigorous statements made publicly by the Attorney General in the case at bar, at the same time it should be recognized that he may well have felt that 'a decent Respect to the Opinions of Mankind' required him to disclose personally . . . the reasons for proposing the designation of a national bar association."

—Circuit Judge Prettyman rejecting National Lawyers Guild appeal for an order to enjoin the Attorney General on the ground of prejudice.

The Kind of Interrogatories Customarily Served Up By The Attorney General

"The [National Lawyers] Guild also attacks the interrogatories submitted to it. Some further revision of these questions is probably in order. For example, some of the amended questions appear to be extremely difficult, if not impossible, of answer. The Guild says it had at times some thirty chapters. . . . A few of the interrogatories are: No. 60, 'To your knowledge has . . . any . . . chapter of the NLG ever permitted the use of its mailing list to any other organization?' No. 64, 'Has the NLG or any of the . . . chapters thereof, passed an anti-Communist or anti-Soviet Union resolution since 1946?' No. 49, '. . . have you reason to believe that any of the . . . past members of any . . . chapter of the NLG . . . ever has been [a] . . . member of the CP [Communist Party] . . .?' 'If so, identify each of them. . . .' No. 50, '. . . have you reason to believe that . . . any . . . chapter . . . ever furnished information to the Daily Worker . . . on any occasion when such information was not likewise furnished to other newspapers or news service?'"

—Circuit Court Judge Prettyman rejecting the National Lawyers Guild plea that the Attorney General's prejudice, the nature of the proceedings and the unconstitutionality of the "subversive list" entitled it to an injunction forbidding him to add the Guild to the list. [*Elisions in the original.*]

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Once Quickly Round An Overheated Capital

In a forthcoming report on the Matusow case, the Senate Internal Security Committee will advocate non-Communist oaths for lawyers and disbarment for those who plead the Fifth. . . . The Committee's view of Matusow recalls the Inquisition's attitude toward recanting witnesses. The Encylopaedia Britannica in its article on the Inquisition refers to a famous legalist of the time and says, "Zanghino Ugolini states that a witness who should retract his hostile evidence shall be punished for false witness, but that his evidence should be retained, and have its full effect on the sentenced."

Seen crossing a street alone near the Capitol: Senator McCarthy, looking ten years older and ten pounds heavier, with the shamefaced ingratiating smile of a man who feels himself disreputable. . . . A year ago Congressman Walter was talking a very liberal line, telling reporters on the record and off that he wanted to abolish the House Un-American Activities Committee. Now as chairman of that committee he is preparing to extend the witch hunt into the theatre and punish those who led the successful fight in AFTRA (the American Federation of Television and Radio Artists) against AWARE, Inc., which specializes in Red-listing and "clearing" actors of all kinds.

For The Scrapbook: A long dispatch from Saigon on the first anniversary of Ngo Dinh Diem's regime (*N.Y. Times*, July 7) ended with the admission, "Peasants make up 80 to 90 percent of the population and it often appears that the Diem government has few real roots among them." . . . Here in Washington the surprise of the week was the State Department's announcement that Paul Robeson, barred for several years from Canada, would be allowed to give a concert in Vancouver and promising "careful and prompt consideration" for his passport application. . . . Perhaps criticism abroad may explain: the *Manchester Guardian* July 19 ran two headlines side by side. One said, "Destroy All Curtains, President Eisenhower's Appeal" and the other, "Paul Robeson Again Seeks Passport."

Straws in the Wind: *Nation's Business*, organ of the U. S. Chamber of Commerce, for July starts off with an editorial by Felix Morley comparing the current Geneva conference to the Congress of Vienna in 1813 and saying that the latter succeeded because its philosophy was "to let bygones be bygones." Morley declares the success or failure of the Geneva meeting "will in effect decide the scale and nature of national defense, therefore the level of corporate and individual taxation. . . ." Peace—it's wonderful: especially if it means lower taxes. . . . And *Holiday* for July has an article on travel in Russia beginning (subversively), "Cold war and ideology aside, Russia is a land peopled by human beings. . . ."

Which Army Press Release Do You Read?

"1. No man being prosecuted was 'brainwashed'—in fact no American military prisoner was 'brainwashed' during the entire Korean War.

"2. No American PW has been or will be tried by the Army who was physically tortured. But torture, in the classic sense, was not used at all as a means of obtaining converts. . . .

"4. The men who did not collaborate with the enemy generally fared as well or better in enemy hands than the men who did."

—A. E. Hotchner, writing in This Week magazine, July 17, 1955, from "an Army Intelligence Conference room in the Pentagon with the team of Intelligence Officers whose job it has been to study and evaluate the conduct of hundreds of men who were prisoners of war in Korea." An editor's note explains "in this article we print the major arguments in the Army's case" for punishing returned POW's who collaborated.

A most enlightened decision was handed down here for a unanimous 3-man Court of Appeals panel (Bazelon, Danaher and Bastian) "In re: Adoption of a Minor." Judge Bazelon reversed the District Court's denial of a petition for adoption of a natural child filed by its white mother and her Negro husband. The petition had been denied on two grounds (1) the couple's refusal to sing tenants' loyalty oath that they did not belong to any organization on the Attorney General's list and (2) that the boy "might lose the social status of a white man" because his adopted father would be a Negro. Judge Bazelon held the refusal to sign the oath was no "adverse reflection" on the couple and that denial of the adoption could not "rest on a distinction between the 'social status' of whites and Negroes.

Hat's Off to the Emergency Civil Liberties Committee for raising the bulk of the $40,000 bail for Carl Braden, highest bail ever asked in the history of Kentucky. An appeal from his conviction for sedition will be heard in the highest State court in the Fall. Braden is now free.

Recommended Theatre: Paul Muni has never done a more magnificent job of acting than as "Henry Drummond" (Clarence Darrow) in *Inherit The Wind*, a play about the Scopes evolution trial, now at the National Theatre in New York City, with deep and moving relevance for the similar efforts at thought control in our own day. Don't miss it.

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